

ASTRP.235RC2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Charles D. Lanier, et al.)	Group Art Unit: 2124
Appl. No.	:	09/375,867)	
Filed	:	August 17, 1999)	
For	:	INTELLIGENT HELP SYSTEM)	
Examiner	:	Todd Ingberg)	

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S. Chao
11-6-02

REQUEST FOR RECONSIDERATION IN RESPONSE TO
SEPTEMBER 3, 2002 OFFICE ACTION

United States Patent and Trademark office
PO Box 2327
Arlington, VA 22202

Dear Sir:

Applicants thank the Examiner for the courtesy of the telephonic interview granted to Applicants' representative, David Weiss, on October 31, 2002.

Claims 26-31, 33, 35, 45-59 are pending in the present application. Claims 35, 45-59 have been allowed and Claims 26-31, and 33 stand rejected.

Allowance of Claims Over Cited Art

In the October 31, 2002 interview, Applicants' representative noted that in the December 31, 2001 Office Action, the Examiner indicated that then pending Claim 34 would be allowable if the limitations of Claim 34 were rolled up into independent Claim 26. Applicants' representative further noted that Applicants' June 20, 2002 Amendment had so amended Claim 26 to include the limitations of Claim 34. Applicants therefore respectfully submit that Claim 26

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is allowable over the cited art and request that the Examiner reconsider the June 20, 2002 Amendment.

As noted in the June 20, 2002 Amendment, Claims 27-31 and 33, which depend from amended Claim 26 and further define amended Claim 26, are therefore also allowable over the cited art. Applicants respectfully request the Examiner to withdraw the rejection of Claims 26-31, and 33, and to allow Claims 26-29, 30, 31, and 33 over the cited art.

Broadening Reissue

In paragraph 6 of the September 3, 2002 Office Action, the Examiner rejected Claims 26-31 under 35 USC § 251 as being improperly broadened in a reissue application. As discussed in the October 31, 2002 interview, a broadened claim can be presented within two years from the grant of the original patent in a reissue application. In addition, as discussed in the interview, a broadened claim can be presented *after* two years from the grant of the original patent in a broadening reissue which was filed *within* two years from the grant. Where any intent to broaden is indicated in the reissue application within two years from the patent grant, a broadened claim can subsequently be presented in the reissue *after* the two year period. If intent to broaden is indicated in a parent reissue application within the two years, a broadened claim can be presented in a continuing reissue application *after* the two year period. (emphasis added) See MPEP 1412.03.

MPEP 1412.03 further cites *In re Doll*, 419 F.2d 925, 928, 164 USPQ 218, 220 (CCPA 1970), for the proposition that if the reissue application is timely filed within two years of the original patent grant and the applicant indicates in the oath or declaration that the claims will be broadened, then applicant may subsequently broaden the claims in the pending reissue prosecution even if the additional broadening occurs beyond the two year limit. Thus, once the broadening reissue application has been established, the claims can be broadened even further. The present application claims priority from broadening Reissue Application 08/223,620, filed April 6, 1994, which was timely filed within two years of the April 7, 1992 issue date of U.S. Patent No. 5,103,498. Therefore, pending Claim 26 has not been improperly broadened, and Applicants respectfully request the Examiner to withdraw the rejection to Claims 26-31 under 35 USC § 251.

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Double Patenting

With respect to the double patenting rejection of Claims 26-31, and 33 over U.S. Patent No. 5,102,498, Applicants note that U.S. Patent No. 5,102,498 has already been surrendered and that the double patenting rejection is therefore moot. Applicants therefore respectfully request the Examiner to withdraw the double patenting rejection.

Claim 48

The September 3, 2002 Office Action does not indicate the disposition of Claim 48 and fails to indicate that Claim 48 is still pending. As noted in the June 20, 2002 Amendment, the Examiner's December 31, 2002 Office Action appeared to allow Claim 48 at page 13. However, the December 31, 2001 Office Action summary did not indicate the disposition of Claim 48. Applicants respectfully request that the Examiner confirm that Claim 48 has indeed been allowed.

Supplemental Reissue Declaration

As discussed in the October 31, 2002 interview, Applicants intend to submit a Supplemental Reissue Declaration Under 37 CFR § 1.175(B)(1) upon allowance of the now-pending claims over the cited art.

Summary

Applicants request that all the pending claims be promptly allowed over the cited art, and that the rejection under 35 USC § 251 and the double patenting rejection be withdrawn. In the October 31, 2002 interview, the Examiner assured Applicants' representative that this Request for Reconsideration would be considered to be fully responsive to the September 3, 2002 Office Action, and that the next communication would not be a Final Office Action.

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Should there be any impediment to the allowance of the pending claims that could be resolved by a telephone conference, the Examiner is respectfully requested to call the undersigned attorney of record at (310) 407-3461 or at the telephone number provided below.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 1, 2002

By: David N. Weiss
David N. Weiss
Registration No. 41,371
Attorney of Record
2040 Main St.
Fourteenth Floor
Irvine, CA 92614
(310) 551-3450

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Knobbe Martens Olson & Bear LLP*Intellectual Property Law*

1900 Avenue of the Stars
Suite 1425
Los Angeles CA 90067
Tel 310-551-3450
Fax 310-551-3458
kmob.com

Louis J. Knobbe*
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Damon K. Jackson
Nathan A. Engols
Gregory A. Herthanson
Raymond Chan
Zi Y. Wong

Of Counsel
Jerry R. Soller
Paul C. Steinhardt

Japanese Patent Ally
Katsuhiko Arai
Tomohisa Sugiyama

European Patent Ally
Marlin Hallebrandt

Korean Patent Ally
Mincheol Kim
Heungsoo Choi

Scientists & Engineers
(Non-Lawyers)

Reimond J. Salenitsky**
Khuram Rahman, Ph.D.
Tommy Y. Nagala
Che G. Chereashin, Ph.D.**
James W. Ainsley**
Jennifer Hayes**
Kirk E. Pastorian, Ph.D.**
Charles T. Ridgely
Bonny Young, Ph.D.
Connie C. Tong, Ph.D.**
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Ed DasJordina, Ph.D.**
W. Frank Deuser
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Karen J. Lenker
Chris Westberg, Ph.D.
Eric B. Ives, Ph.D.**
David C. Weber**

* A Professional Corporation
† Also Practicing At Law (In & Out)
** U.S. Patent Agent

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To: Technology Center 2100
Examiner Todd D. Ingberg
United States Patent and Trademark Office

OUR REFERENCE No.: ASTRP.235RC2

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APPL. No.: 09/375,867

GROUP ART UNIT: 2124

FROM: David N. Weiss, Esq.

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Direct Line to Machine: (310) 551-3458

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14th Floor
Irvine, CA 92614
Tel 949-760-0404
Fax 949-760-9502

350 West C Street
Suite 1200
San Diego CA 92101
Tel 619-225-8350
Fax 619-225-0176

201 California Street
Suite 1150
San Francisco CA 94111
Tel 415-694-4114
Fax 415-354-4111

3403 Tenth Street
Suite 700
Riverside CA 92501
Tel 951-781-9231
Fax 951-781-4507

1114 Marsh Street
San Luis Obispo CA 93401
Tel 805-547-3580
Fax 805-547-3590

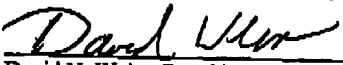


PATENT

Case Docket No. ASTRP.235RC2

Date: November 1, 2002

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In re application of :	Charles D. Lanier, et al.)	I hereby certify that this Request for
App. No.	: 09/375,867)	Reconsideration in response to the
Filed	: August 17, 1999)	September 3, 2002 Office Action is being
For	: INTELLIGENT HELP)	facsimile transmitted to the Patent and
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Art Unit	: 2124)	David N. Weiss, Reg. No. 41,371


UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 2327
Arlington, VA 22202

Sir:

Transmitted herewith is a Request for Reconsideration in response to the September 3, 2002 Office Action in the above-identified application.

(X) Request for Reconsideration in 4 pgs.

(X) Facsimile cover sheet.


David N. Weiss
Registration No. 41,371
Attorney of Record

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